

Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbalà  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Donald J. Featherstone  
Lawrence B. Bugaisky  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaston  
Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes

Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhulier  
Rae Lynn Pengaman  
Jane Shershenovich\*  
George S. Bardmesser  
Daniel A. Klein\*  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller\*  
LuAnne M. DeSantis  
John J. Figueroa  
Ann E. Summerfield  
Tiera S. Coston  
Aric W. Ledford\*  
Jessica L. Parezo  
Timothy A. Doyle\*

Gaby L. Longsworth\*  
Nicole D. Dretar\*  
Ted J. Ebersole  
Jyoti C. Iyer\*  
Laura A. Vogel

Registered Patent Agents\*  
Karen R. Markowicz  
Nancy J. Leith  
Helene C. Carlson  
Matthew J. Dowd  
Aaron L. Schwartz  
Katrina Y. Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Rutherford

Michelle K. Holoubek  
Robert H. DeSels  
Simon J. Elliott  
Julie A. Heider  
Mita Mukherjee  
Scott M. Woodhouse

Of Counsel  
Kenneth C. Bass III  
Evan R. Smith  
Marvin C. Guthrie

\*Admitted only in Maryland  
\*Admitted only in Virginia  
•Practice limited to  
Federal Agencies

September 7, 2004

WRITER'S DIRECT NUMBER:

(202) 772-8525

INTERNET ADDRESS:

BRIAND@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop: Amendment**

Re: U.S. Utility Patent Application  
Application No. 10/067,543; Filed: February 7, 2002  
For: **Compositions and Methods for Molecular Biology**  
Inventors: BYRD *et al.*  
Our Ref: 0942.5230001/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. SKGF Cover Letter;
2. Credit Card Payment Form PTO-2038 in the amount of \$180.00 to cover the appropriate fee;
3. Fee Transmittal (PTO/SB/17);
4. Second Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
5. One (1) page of Form PTO-1449 citing five (5) documents;
6. A copy of each of document nos. AI2, AJ2, AM2, AR10 and AS10; and
7. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
September 7, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", written over a horizontal line.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

BJD/JKM/nef  
Enclosures

307793\_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BYRD *et al.*

Appl. No.: 10/067,543

Filed: February 7, 2002

For: **Compositions and Methods for  
Molecular Biology**

Confirmation No.: 7830

Art Unit: 1637

Examiner: Strzelecka, Teresa E.

Atty. Docket: 0942.5230001/BJD/JKM

**Second Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on October 28, 2002 and Applicants' Information Disclosure Statement filed on September 10, 2002, in connection with the above-captioned application. Copies of the documents are submitted herewith.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

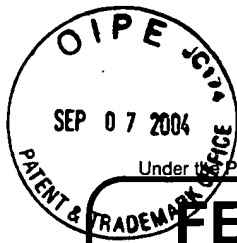
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

Date: Sept. 7, 2004

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
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SEP 07 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

**Complete if Known**

Application Number	10/067,543
Filing Date	February 7, 2002
First Named Inventor	Devon BYRD
Examiner Name	Strzelecka, Teresa E.
Art Unit	1637
Attorney Docket No.	0942.5230001/BJD/JKM

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None☐ \*\*Charge any deficiencies or credit any overpayments in the fees to Deposit Acct. No. 19-0036.Deposit Account Number  
Deposit Account Name

19-0036

Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	- 20	**= <input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	- 3	**= <input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent	<input type="text"/>				<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

**SUBMITTED BY**

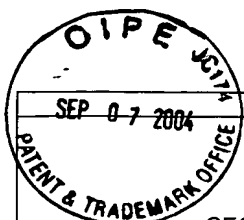
(Complete if applicable)

Name (Print/Type)	Brian J. Del Buono	Registration No. (Attorney/Agent)	42.473	Telephone	(202) 371-2600
Signature		Date	September 7, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FORM PTO-1449

SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
0942.5230001/BJD/JKMAPPLICATION NO.  
10/067,543FIRST NAMED INVENTOR  
Byrd, *et al.*FILING DATE  
February 7, 2002ART UNIT  
1637

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI2	6,251,674 B1	06/26/2001	Tobin <i>et al.</i>			02/07/2000
	AJ2	2003/0176644 A1	09/18/2003	Byrd <i>et al.</i>			02/07/2002
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM2	WO 02/062957	08/15/2002	WIPO			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>10</u>	Smith, M.T., <i>et al.</i> , "The Minimal Sequence Needed to Define a Functional DNA Terminator in <i>Bacillus subtilis</i> ," <i>J. Mol. Biol.</i> 241:335-340, Academic Press (1994)
	AS	<u>10</u>	International Search Report for International Patent Application No. PCT/US03/24064, mailed May 11, 2004
	AT		

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.